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09/592,686	06/13/2000	Frank Labedz	2014.63689	7165

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/20/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

A26

Office Action Summary

Application No.

09/592,686

Applicant(s)

LABEDZ ET AL.

Examiner

Salad E Abdullahi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27, 30-38, 44-52 and 57-70 is/are rejected.
- 7) ☒ Claim(s) 28, 29, 39-43 and 53-56 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response to Amendment

1. The amendment filed 1/26/2004 has been received and made of record.
2. Applicant's arguments with respect claims 1-27, 30-38, 44-52 and 57-70 have been considered but are not persuasive for the following reasons.

Applicant alleges "examiner's reference to column 4, lines 30-65 in Kardos as meeting the clearing house element of claim is misplaced". Examiner, respectfully disagrees, because Kardos clearly teaches an integrated resource management system 10, which include the hosts 12 which receive and/or generate work requests and scheduling requests that are transmitted in the form of messages to the message handler server 14 (clearing house) for retransmission to the mobile workforce management system 16. The message handler server 14 allows the plurality of hosts 12 to each communicate with the mobile workforce management system 16 and thus forms an integrated system (see col. 4, lines 55-65).

Applicant in various section of his argument alleged Kardos has no inspection capability nor is there selective authorization or operability that is a function of the log-in identity of clients.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., inspection capability) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the references fail to show there selective authorization or operability that is a function of the log-in identity of clients. Examiner asserts Kardos teaches assigning or generates or scheduling work orders according to the skill of the client. In other words, the OSS server 132 tracks on an aggregate level which technicians are scheduled to work which days as well as their skills and work areas. Based on this information and previously scheduled work, the OSS server 132 generates a schedule that provides time available on a per skill basis. The OSS server 132 is accessed by the host systems 12 and dispatch center 134 to schedule work as needed (see col. 16, lines 43-49). Also, Kardos's system includes mechanism of identifying the log-in identity of the client or technicians and base of this information dispatching predetermined events or work orders to such clients (see col. 19, lines 53-62).

Allowable Subject Matter

3. Claims 28-29, 39-43 and 53-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When

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claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 67-71 have been renumbered 66-70.

Claim Rejections - 35 USC 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 3718 of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors

Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-6, 10-27 and 47-52, and 57-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Kardos et al U.S. Patent No. 6,430,562.

As per claim 1, Kardos et al., discloses a system for managing operational facilities (an integrated resource management), the system being of the type which utilizes predefined events to carry out managing operations for the facilities, said system comprising:

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- at least one server (message handler 14) adapted to receive events (work order) from a client (customers) and forward said events to a clearinghouse (work force management system 16) via a communication link (18) (see figs. 1A, 1B and col. 4, lines 30-65);
- at least one client having a unique login identity and adapted to selectively send events to said server via said communication link (see col. 11, lines 12-30, see col. 4, lines 55-65 and col. 15, line 46 to col. 16, line 20); and
- a clearinghouse (i.e. work order processing system 14) connected to each said server and each said client via said communication link for selectively storing data from each server and each client in a database, and being adapted to selectively authorize predetermined events by each client according to said login identity of each such client, to selectively schedule predetermined events in response to data stored in said database and to monitor the status of all events stored in said database (col. 4, lines 30-65).

In considering claim 2, Kardos et al., disclose system, wherein each said client has a visual display associated therewith, said server being adapted to access selected data from said clearinghouse and forward data to each client for display (see col. 15, lines 47-65).

In considering claim 3, Kardos et al., disclose system wherein each said client is preloaded with software means adapted to send and receive events (see col. 15, lines 47-65).

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In considering claim 4, Kardos et al., discloses defining various levels of authorization for limiting access system (see col. 11, lines 12-30, see col. 4, lines 55-65 and col. 15, line 46 to col. 16, line 20).

In considering claim 5, Kardos et al., disclose system, wherein one or more of said server, clearinghouse and client include predefined templates for selected events (see col. 8, lines 44-51)

in considering claim 6, Kardos et al., discloses a system, wherein said predefined events include one or more events selected from the group consisting of -a notification event; a download tasks event; an upload tasks event, perform task event, jobsite setup event; a contact setup event; a vendor setup event; an inspection setup event; a special action setup event; a checklist item setup event; a performance rating method setup event; a performance rating type setup event; an inspection template setup event; a schedule setup event; an inspection processing event; a work request event; a work request processing event; a work order event; and, a work order processing event (see col. 4, lines 55-65).

In considering claim 10, Kardos et al disclose a system, wherein said client is a mobile computing device and said communication link to said client is a wireless communication link (see col. 15, line 47, to col. 16, line 19).

In considering claim 11, Kardos et al disclose a system, wherein during reselected ones of said events an authorized client is adapted to add new data, edit existing data in said database, or exit said event (see col. 15, line 47, to col. 16, line 19).

In considering claim 12, Kardos discloses a system, wherein during said

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pre-selected ones of said events and authorized client is adapted to save input data from said authorized client in said database and to display data (see col. 15, line 47, to col. 16, line 19).

In considering claim 13, Kardos et al disclose a system wherein said clearinghouse selectively provides authorization to said client to request events in response to said client communicating its unique login identity to said server (see col. 11, lines 12-30, and col. 15, line 47, to col. 16, line 19).

In considering claims 14-19, Kardos et al., discloses a system, wherein each said client is adapted to request a download tasks event to said clearinghouse after authorized communication is established (see col. 11, lines 12-60).

In considering claim 20-27, Kardos et al., discloses a system, wherein each said client is adapted to request a download tasks event to said clearinghouse after authorized communication is established (see col. 11, lines 12-60).

In considering claim 47, Kardos et al., disclose a system, wherein during said work-request-processing event said authorized client is adapted to accept or reject a selected open work-request data from said list (see col. 3, line 60 to col. 4, line 65 and col. 11, line 12 -60).

In considering claim 48, Kardos et al., disclose a system, wherein during said work-request-processing event said authorized client is adapted to accept or reject a selected open work-request data from said list (see col. 3, line 60 to col. 4, line 65 and col. 11, line 12 -60).

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In considering claim 49, Kardos et al., disclose a system, wherein during said work-request-processing event said authorized client is adapted to accept or reject a selected open work-request data from said list (see col. 3, line 60 to col. 4, line 65 and col. 11, line 12 -60).

In considering claim 50, Kardos et al., disclose a system, wherein during said work-request-processing event said authorized client is adapted to accept or reject a selected open work-request data from said list (see col. 3, line 60 to col. 4, line 65 and col. 11, line 12 -60).

In considering claim 51 Kardos et al., disclose a system, wherein during said work-request-processing event said authorized client is adapted to accept or reject a selected open work-request data from said list (see col. 3, line 60 to col. 4, line 65 and col. 11, line 12 -60).

In considering claim 52, Kardos et al., disclose a system, wherein during said work-request-processing event said authorized client is adapted to accept or reject a selected open work-request data from said list (see col. 3, line 60 to col. 4, line 65 and col. 11, line 12 -60).

In considering claim 57, Kardos et al., disclose a system, wherein during said work order-processing (dispatching) event allows said server is adapted to display a list of all open work-order data from said clearinghouse available to said authorized client for

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completion when said authorized client does not identify a specific job site (see col. 22, lines 21-61).

In considering claim 58, Kardos et al., disclose a system, wherein during said work order-processing (dispatching) event allows said server is adapted to display a list of all open work-order data from said clearinghouse available to said authorized client for completion when said authorized client does not identify a specific job site (see col. 22, lines 21-61).

In considering claim 59, Kardos et al., disclose a system, wherein during said work order-processing (dispatching) event allows said server is adapted to display a list of all open work-order data from said clearinghouse available to said authorized client for completion when said authorized client does not identify a specific job site (see col. 22, lines 21-61).

In considering claim 60 Kardos et al., disclose a system, wherein during said work order-processing (dispatching) event allows said server is adapted to display a list of all open work-order data from said clearinghouse available to said authorized client for completion when said authorized client does not identify a specific job site (see col. 22, lines 21-61).

In considering claim 61, Kardos et al., disclose a system, wherein during said work order-processing (dispatching) event allows said server is adapted to display a list of all open work-order data from said clearinghouse available to said authorized client for completion when said authorized client does not identify a specific job site (see col. 22, lines 21-61).

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In considering claim 62, Kardos et al., disclose a system, wherein during said work order-processing (dispatching) event allows said server is adapted to display a list of all open work-order data from said clearinghouse available to said authorized client for completion when said authorized client does not identify a specific job site (see col. 22, lines 21-61).

In considering claim 63 Kardos et al., disclose a system, wherein during said work order-processing (dispatching) event allows said server is adapted to display a list of all open work-order data from said clearinghouse available to said authorized client for completion when said authorized client does not identify a specific job site (see col. 22, lines 21-61).

In considering claim 64, Kardos et al., disclose a system, wherein during said work order-processing (dispatching) event allows said server is adapted to display a list of all open work-order data from said clearinghouse available to said authorized client for completion when said authorized client does not identify a specific job site (see col. 22, lines 21-61).

In considering claim 65 Kardos et al., disclose a system, wherein during said work order-processing (dispatching) event allows said server is adapted to display a list of all open work-order data from said clearinghouse available to said authorized client for completion when said authorized client does not identify a specific job site (see col. 22, lines 21-61).

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In considering claim 66, Kardos et al., disclose a system, wherein said clearinghouse is adapted to schedule events in response to being triggered by a timer (see col. 4, lines 14-29).

As per claim 67, Kardos et al., discloses a system for managing operational facilities (an integrated resource management), the system being of the type which utilizes predefined events to carry out managing operations for the facilities, said system comprising:

- at least one server (message handler 14) adapted to receive events (work order) from a client (customers) and forward said events to a clearinghouse (work force management system 16) via a communication link (18) (see figs. 1A, 1B and col. 4, lines 30-65);
- at least one client having a unique login identity and adapted to selectively send events to said server via said communication link (see col. 11, lines 12-30, see col. 4, lines 55-65 and col. 15, line 46 to col. 16, line 20); and
- a clearinghouse (i.e. work order processing system 14) connected to each said server and each said client via said communication link for selectively storing data from each server and each client in a database, and being adapted to selectively authorize predetermined events by each client according to said login identity of each such client, to selectively schedule predetermined events in response to data stored in said database and to monitor the status of all events stored in said database (col. 4, lines 30-65).

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In considering claim 68 Kardos et al., disclose a system, further comprising the step of accessing, by the server, selected data from the clearinghouse to forward to client for display (see col. 15, line 57 to col. 16, line 50).

In considering claim 69, Kardos et al., discloses defining various levels of authorization for limiting access system (see col. 11, lines 12-30, see col. 4, lines 55-65 and col. 15, line 46 to col. 16, line 20).

Claim Rejections - 35 USC ' 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7-9, 30-38, 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kardos et al., U.S. Patent No. 6,430,562 in view of Hull et al., U.S. Patent No. 6,487,457.

As per claims 7-9, Kardos discloses substantial features of the claimed invention as discussed above with respect to claim 1, Kardos et al., is silent regarding: server sends a message to a designated contact person responsive to said clearinghouse having created said notification event responsive to said event being overdue and wherein the clearinghouse retrieves said designated contact person and contact information from said database during creation of said notification event.

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Hull et al., discloses a building management system, including an event notification module to send messages to designated contact person. The system further includes a database for storing contact information such E-mail address used to communicate events designated person (see col. 12, lines 65 to col. 13, line 10). Therefore, it would have been obvious to having ordinary skill in the art at the time of the invention to utilize the event notification module as taught by Hull et al., such that designated contact person for the mobile workforce of Kardos's system can be notified, thereby providing enhanced communication with mobile workforce.

In considering claim 30-32, Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquires or inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

In considering claim 33 Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquires or inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

In considering claim 34, Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquires or inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

In considering claim 35, Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquires or

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inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

In considering claim 36 Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquires or inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

In considering claims 37, Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquires or inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

In considering claim 38, Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquires or inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

In considering claim 44, Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquires or inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

In considering claim 45, Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquires or inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

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In considering claim 46, Hull et al discloses a system, wherein an authorized client can input and edit database for a specific job site data (client sending various inquiries or inspection request inquiring building related information (see col. 15, lines 13-49, col. 11, lines 8-64 and col. 12, line 59 to col. 13, line 9).

10. Claim 70 rejected under 35 U.S.C. 103(a) as being unpatentable over Kardos as applied to claim 1.

As per claim 70, Kardos discloses substantial features of the claimed invention, a mobile computer device wherein said client is a mobile computing device and said communication link to said client is a wireless communication link (see col. 15, line 47, to col. 16, line 19).

Kardos is silent regarding: the mobile device includes GBS system.

Nonetheless, including GBS system to a mobile device is well known in the art and would have been an obvious modification to Kardos's system. Furthermore, Kardos's system includes mobile computer and wireless communication link to said mobile computer. Hence one ordinary skill in the art would have readily recognized the advantage of providing global positioning system (GPS) to Kardos's mobile device such that the position of mobile computing device is received at dispatcher center. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with the teaching of Kardos to utilize a GBS system to detect the location of the mobile computing devices, thus ensuring that the mobile computing devices are actually at the respective expected locations.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONCLUSION

12. The prior art made of record and relied upon is considered pertinent to the applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 703-308-8441. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

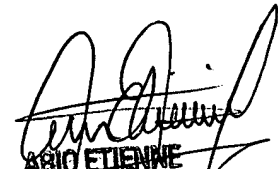
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As
4/17/2004


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